

ence to these two warrants in either of his reports?

A. If he did, I have been unable to find it.

Q. Was not the first public reference that was made about these two warrants made in Mr. Lynn's testimony?

A. That is correct.

Q. Now is there any other item or matter you wish to explain?

A. No, that is the only thing I have in mind.

Mr. McGregor: That is all.

Mr. Chairman, we are somewhat in the same attitude possibly we were the other night. On Saturday evening the committee will remember we waived cross examination of the Auditor in order to expedite matters and rather than to hold him over. We think if this hearing is now suspended and resumed in the morning we will be able to get rid of some matters under a winnowing out process, and go over our proof, and be able to close by noon tomorrow.

Mr. Petsch: Mr. Chairman, I wonder, Mr. McGregor, if you have any witnesses here you are going to put on? If you have, I don't see why we could not take up the time now and dispose of the matter. We won't be able to work tonight on account of committee meetings. I believe we ought to expedite this matter and put on all the witnesses we have here. We ought to work from now until 6 o'clock and dispose of as much of this testimony as possible. I think we ought to work until 6 o'clock.

Mr. McGregor: I think we will be able to dispense with some of the witnesses by taking the matter up that way. This is just like trying a lawsuit. I think if we pass this matter until morning we will be able to dispense with some of those witnesses, rather than call them now, but if we are put to the test, of course, we will put them on. Just to take the Committee into my confidence, Mr. Stevenson, in his cross-examination of Mr. Phillips indicated that his position would be on these warrants that they were paid to Mr. Martin and that the employees were paid twice. The endorsements on the warrants indicate that they were paid to Mr. Martin and there the presumption would stop. But his question may have made it necessary for us to bring the witnesses in here to swear that they were not paid twice. Now, I want to see if I cannot eliminate that. You will not save time. Speed in law

is going slow, and you will not save any time by acting in a hurry with it.

Mr. Justiss of Navarro: Mr. Chairman, I make the motion that the Committee rise and report progress and ask leave to meet again at 9:30 tomorrow.

Mr. Petsch: Mr. Chairman, before we get out of this Committee, I think we ought to make this statement. In view of the statement made by Senator McGregor, I think possibly the Senator misunderstood the contentions that were made by the Committee for the House when he made the statement that we took the position that those different parties had been paid twice who received the checks listed in Mr. Lynn's report. That was not exactly in accordance with our contention. Our contention is to this effect, that the State of Texas was out the money twice. We did not do the paying, we never had charge of the checks, and we do not make any contention to the effect that those particular parties got the money twice. We have nothing to do with that, and make no such claim. We just say the State of Texas paid it twice.

Mr. McGregor: If you want us to call them, we will call them.

The Chairman: The gentleman from Navarro moves that the Committee rise and report progress and ask leave to meet at 9:30 tomorrow.

The question was thereupon taken, and the motion prevailed.

SEVENTH DAY.

(Thursday, February 27, 1930.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and developed the fact that there was not a quorum present.

Mr. Sanders moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Sanders, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll was again called, and the following members were present:

Mr. Speaker.	Lemens.
Acker.	Long of Wichita.
Ackerman.	Loy.
Albritton.	Magee.
Allred.	Mankin.
Anderson.	Marks.
Baker.	Mauritz.
Barnett.	McCombs.
Bateman.	McDonald.
Beck.	McGill.
Bond.	Mehl.
Bounds.	Metcalf.
Bradley.	Moore.
Brice.	Morse.
Brooks.	Mosely.
Carpenter.	Murphy.
Chastain.	Negley.
Coltrin.	Nicholson.
Conway.	Olsen.
Cox of Limestone.	Patterson.
Davis.	Pavlica.
DeWolfe.	Pool.
Dunlap.	Pope of Jones.
Enderby.	Pope of Nueces.
Eickenroht.	Prendergast.
Farrar.	Purl.
Finlay.	Ray.
Forbes.	Reader.
Gilbert.	Renfro.
Graves.	Richardson.
of Williamson.	Riley.
Graves of Erath.	Rogers.
Hardy.	Sanders.
Harding.	Savage.
Harman.	Shaver.
Harper.	Shelton.
Heaton.	Simmons.
Hines.	Sinks.
Hogg.	Speck.
Jenkins.	Stephens.
Johnson.	Stevenson.
of Dallam.	Storey.
Johnson.	Tarwater.
of Dimmit.	Tillotson.
Johnson of Smith.	Turner.
Johnson of Scurry.	Van Zandt.
Jones.	Veatch.
Justiss.	Waddell.
Kayton.	Wallace.
Keeton.	Walters.
Keller.	Webb.
Kemble.	West.
Kennedy.	Wiggs.
Kincaid.	Williams.
King.	of Travis.
Kinnear.	Woodruff.
Lee.	Young.

Absent.

Adkins.	Hopkins.
Baldwin.	Hubbard.
Duvall.	Kenyon.
Gates.	Land.
Giles.	Martin.
Harrison.	Maynard.
Hefley.	Mullally.

O'Neill.	Thompson.
Petsch.	Warwick.
Reid.	Westbrook.
Terrell.	

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday.	Williams.
Long of Houston.	of Sabine.
McKean.	Williams.
Minor.	of Hardin.
Montgomery.	

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Finn for today, on motion of Mr. Woodruff.

Mr. Cox of Lamar for today and the balance of the week, on motion of Mr. Coltrin.

Mr. Hornaday for today, on motion of Mr. Brooks.

The following members were granted leaves of absence on account of illness:

Mr. Williams of Sabine for today and the balance of the week, on motion of Mr. Woodruff.

Mr. Fuchs for today, on motion of Mr. Shelton.

Mr. Minor for today, on motion of Mr. Sanders.

Mr. Jenkins for yesterday, on motion of Mr. Ackerman.

Mr. Sherrill for today, on motion of Mr. Barron.

Mr. Williams of Sabine for today and the balance of the week, on motion of Mr. Conway.

Mr. Rountree for today, on motion of Mr. Metcalfe.

The following members were granted leaves of absence to attend the funeral of Col. N. R. Strong: Messrs. Holder, Palmer and Quinn.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Quinn:

H. B. No. 45, A bill to be entitled

"An Act creating the office of district attorney of Jefferson county, prescribing his qualifications, duties and compensation, authorizing the employment of assistants, deputies, investigators and stenographic help, and providing that this act shall be effective January 1, 1931; repealing all laws or parts of laws in conflict herewith."

Referred to Committee on Judicial Districts.

By Mr. Van Zandt:

H. B. No. 46, A bill to be entitled "An Act to promote the production of better eggs and manufactured egg products in the State of Texas by regulating the traffic in eggs; to prevent fraud and misrepresentation in dealing in eeggs and manufactured egg products; to prevent the sale of eggs for human consumption which are unfit for human food; to require eggs to be candled; to require a license for dealers in eggs and manufacturers of egg products; to establish and define grades for eggs."

Referred to Committee on Agriculture.

By Mr. Farrar and Mr. Storey:

H. B. No. 47, A bill to be entitled "An Act making it unlawful for any practicing lawyer to become surety upon the bail bond of any person charged with crime and held in custody within this State, when such lawyer is representing the person charged for pay; and requiring the sheriff or other officers having in custody such person so charged, and required to pass upon such bonds for approval or disapproval to disapprove any bail bond so signed, and to make inquiry as to any bail bond signed by any attorney to determine whether it should be disapproved hereunder."

Referred to Committee on Judiciary.

By Mr. Finlay, Mr. Coltrin and Mr. Lee:

H. B. No. 48, A bill to be entitled "An Act levying an occupation tax on persons, firms, or corporations engaged in the business or occupation of maintaining billboards; requiring reports to tax collector on January 1st of each year; defining the term 'billboard'; the tax so levied to be two cents per square foot, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Young:

H. B. No. 49, A bill to be entitled "An Act to authorize the county board

of trustees of any county in this State to incorporate a common school district into an independent school district for school purposes only upon petition of a majority of the legally qualified property taxpaying voters residing in the territory affected; providing for the appointment and election of trustees for such incorporated districts; validating all school districts, including independent school districts heretofore incorporated under the provisions of Section 5, Chapter 84, General Laws, First Called Session, Fortieth Legislature, 1927, and all other school districts, and declaring an emergency."

Referred to Committee on Education.

By Mr. Woodruff:

H. B. No. 50, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept award or application for the repurchase of public school lands in the State of Texas forfeiting and reappraising under Chapter 94, an act approved March 19, 1925, and as amended by Chapter 25, an act approved October 27, 1926, for which applications or the first payment thereof were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

TO PROVIDE FLORAL OFFERING FOR CHARLES KRAMER.

On motion of Mr. Gilbert, the chairman of the Committee on Contingent Expenses was authorized to secure flowers to be sent to Charles Kramer, former assistant mailing clerk of the House, who died this morning.

Mr. Gilbert also asked unanimous consent of the House that the Sergeant-at-Arms and pages be excused from the House tomorrow afternoon at 2 o'clock p. m. to attend the funeral of Charles Kramer.

There was no objection offered.

TO PROVIDE FOR PURCHASE OF CERTAIN PORTRAIT.

Mr. Bradley offered the following resolution:

Whereas, The First Called Session of the Forty-first Legislature authorized by resolution that the Board of Control investigate the available data of the late Honorable Henderson Yoakum; and

Whereas, The board has found that Mrs. Fannie Yoakum, of Hays county,

Texas, owns the oil portrait referred to in the said resolution, together with the data contained in Exhibit A, hereunto attached and made a part hereof, that said portrait and data have an historical value to this State, and that they may be obtained for the reasonable sum of one thousand (\$1000) dollars; now, therefore, be it

Resolved by the House of Representatives, That said oil portrait and data be and is hereby purchased for the State of Texas, out of the contingent fund in the amount hereinbefore mentioned, that said portrait be hung in the House of Representatives in an appropriate place, and said data be left in the custody of the University of Texas.

Signed—Bradley, Shelton, Tillotson, Kemble, Shaver and Johnson of Dimmit.

February 26, 1930.

Mr. Rolland Bradley, Member of Legislature, Capitol.

Dear Mr. Bradley: Replying to your inquiry the Board of Control requested Dr. Gideon and others connected with the University to pass on the value of a painting of Mr. Henderson Yoakum, and documents belonging to his heirs with a view of ascertaining their value and the Board was advised that they considered that \$1,000 is a fair and reasonable price for the painting and the documents, a list of which you have.

With best wishes, I am,

Yours very truly,

R. B. WALTHALL.

Exhibit A.

1. List of property belonging to the estate of Henderson Yoakum, deceased.
2. Volume containing memoirs of Colonel Henderson Yoakum from September 10, 1849, to December 23, 1950.
3. List of Colonel Henderson Yoakum's house servants. (August, 1858.)
4. Letter from General Sam Houston to Colonel Henderson Yoakum. (Monday.)
5. Letter from General Sam Houston to Colonel Henderson Yoakum. (Saturday, August 9th.)
6. Letter from General Sam Houston to Colonel Henderson Yoakum. (July 19th.)
7. Letter from General Sam Houston to Colonel Henderson Yoakum. (June 13, 1851.)
8. Letter from General Sam Houston to Colonel Henderson Yoakum. (May 6, 1851.)
9. Letter from General Sam Houston to Colonel Henderson Yoakum. (March 1, 1851.)

10. Letter from General Sam Houston to Colonel Henderson Yoakum. (March 3, 1851.)

11. Letter from General Sam Houston to Colonel Henderson Yoakum. (February 19, 1857.)

12. Letter from General Sam Houston to Colonel Henderson Yoakum. (February 10, 1851.)

13. Letter from General Sam Houston to Colonel Henderson Yoakum. (May 14, 1850.)

14. Letter from Colonel Henderson Yoakum to Robert Cannon, Esq. (October, 1832.)

15. Letter from Colonel Henderson Yoakum to Robert Cannon, Esquire. (December 4, 1833.)

16. Letter from Mrs. Yoakum to mother. (April 3, 1833.)

17. Letter from General Sam Houston to Colonel Henderson Yoakum. (September 1, 1851.)

The resolution was read second time.

Mr. Tillotson moved that the resolution be referred to the Committee on State Affairs.

On motion of Mr. Van Zandt, the resolution was postponed indefinitely.

PROPOSED AMENDMENT TO THE HOUSE RULES.

The Speaker laid before the House and had read the following proposed amendment to the House rules:

Amend Rule IV, Section 2, page 87, of the Legislative Manual of the Forty-first Legislature by adding in the third line of said Section 2 after the word "resolutions," the following words:

"And shall have prepared and placed on each member's desk daily, a memoranda showing the following data relative to each bill read on first reading on the preceding day, to wit, the number of the bill, the author and if more than one author, the name first appearing, brief data showing subject matter, and the name of the committee to which referred."

Signed—West, Johnson of Dimmit.

The amendment was read and referred by the Speaker to the Committee on Rules.

HOUSE BILL NO. 10 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act to provide for the reorganizing, reforming and rehabilitating the

Texas prison system and to improve the same into a modern penal institution; to provide for the establishment of industries in connection with the prison system; to provide for the direction of prison system farm activities; for the control and employment and care of State prisoners; to provide for improvements of the prison system; to provide authority to the Prison Board to contract with the State Board of Control for the sale of all prison system products useful for State institutions and departments, and declaring an emergency."

The bill was read second time.

Mr. King offered the following (committee) amendment to the bill:

Amend House bill No. 10 by changing the appropriation in Section 14 to the sum of \$200,000 for each year.

The amendment was adopted.

Mr. Sanders offered the following amendment to the bill:

Amend House bill No. 10 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. The sum of one million (\$1,000,000) dollars, or so much thereof as may be necessary, available prior to the close of the fiscal year ending August 31, 1931, shall be and is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of constructing an East Texas unit of the Texas prison system on the Wynn Farm (now owned by the State of Texas) in Walker county, Texas; for the purpose of purchasing a site and constructing a Central Texas unit of the Texas prison system; and for the improving of the presently owned farm properties centralizing its farming operations on or about the Imperial or Darrington Farms.

Sec. 2. The funds appropriated in Section 1 of this act shall be used in the following manner:

(a) Three hundred thousand (\$300,000) dollars shall be used in the construction of the East Texas unit.

(b) Four hundred and fifty thousand (\$450,000) dollars shall be used in the purchase of a site and in the construction of the Central Texas unit; provided, that not less than three hundred thousand (\$300,000) dollars of this item shall be used in the construction of said Central Texas unit; and

(c) The remaining two hundred and fifty thousand (\$250,000) dollars shall be used in the improvement of the presently owned farm properties.

Sec. 3. The Texas Prison Board is

hereby authorized to establish and construct a modern prison system along the plan in this act provided, including the establishment of such industrial pursuits as they may determine adaptable to prison labor and practicable and necessary, sufficient to supply the needs of the State institutions and the State government and the subdivisions of the State of Texas, or any part thereof; and said board shall

(a) Provide all needed equipment and facilities for said industrial pursuits; and

(b) Provide for proper hospitalization, classification and segregation and vocational instruction and reformation of prisoners; and

(c) Provide, where necessary, proper housing and guarding of prisoners while being used in the construction herein authorized, said prison board being hereby directed to use prison labor as far as practicable; and

(d) Provide all necessary assistance, aid and information by calling upon any institution or department of the State, said institutions and departments being hereby required to furnish such assistance, aid and/or information upon request of said board, and said board is hereby duly and fully authorized and empowered to do any act and duty necessary and required and imposed to carry out the purposes of this act; and all cost and expenses incurred in carrying out the provisions of this act shall be paid upon sworn accounts countersigned by the chairman and secretary of the board, upon which sworn account the Comptroller of Public Accounts shall draw his warrant and same shall be paid by the Treasurer of the State of Texas, and if the funds herein provided are insufficient to carry out the plans of this act, said board shall carry out said plans as far as possible by doing the most needed and presently necessary things, as far as possible continuing same, as and when funds therefore are made available.

Sec. 4. The State Board of Control is hereby authorized to make contracts with the State Prison Board for the purchase of supplies and equipment, materials and labor for use by all State institutions and departments, or subdivisions thereof, it being intended hereby to authorize the Board of Control to deal with the State Prison Board and acquire from it any supplies, material and labor of any kind or character which the Board of Control is now authorized to procure from any source; and particularly is the State Highway Department given au-

thority upon the approval of the Board of Control to contract with the State Prison Board for the manufacture, sale and delivery to it of materials and labor for use in construction of the State highways and highway appurtenances; and when material or labor or supplies of any kind or character useful or usable by the Highway Department or the Board of Control for any of the departments or institutions of the State are tendered said Highway Commission or State Board of Control by the Prison Board, and the Highway Commission or the Board of Control are in need of such supplies or such labor, then it is made the duty of said Highway Commission and the State Board of Control to purchase the supplies and use the labor tendered by the said Prison Board; the prices to be paid for same to be not greater than the prices paid for purchases last made by it of supplies or labor of the same or similar kind; and when in the construction or maintenance of a State or Federal highway in the State of Texas, the Highway Commission and/or the commissioners court of any county shall, in all cases where practicable, use or require to be used the nearest available road material suitable for the work to be done; it being specially provided, however, that the naming or suggesting of any special pursuit or pursuits in this act is not intended and shall not be construed as an exclusion of pursuits for governmental needs that are not specifically named.

Sec. 5. Said board shall enter into no contracts for the purchase of land for use as a site for the Central Texas unit herein authorized to be constructed without first having advertised in five daily newspapers published in five different cities, including Austin, daily, for at least three weeks prior to the opening of offers of sites, the day and hour when sealed offers will be received; said board, however, shall not be required to accept any offer tendered, but may, in like manner as in the first instance, advertise again for offers; and all offers made to said board shall be preserved and filed with the Board of Control and be available for inspection by the public; provided that if there should be no offers of a suitable site for the Central Texas unit at a price thought by the board to be fair and reasonable, the said board is hereby given the right of eminent domain as provided by law for railroads and they may proceed to condemn any property desired in the manner as authorized by law in such cases.

Sec. 6. Said board shall make no contracts of any kind involved in the construction of said Prison System, or for material or any equipment or labor therefor (except prison labor) without first advertising in five daily papers as above specified, the day and hour when sealed bids will be opened; such advertisement to also give specifications of the material, equipment and labor desired and require such guarantee deposit as the board shall deem proper, to accompany each bid; said board, however, shall be authorized to reject all bids received pursuant to the advertisement, and shall be authorized to re-advertise in like manner as in the first instance; final letting of any contract to be to the lowest bidder.

Sec. 7. Title to all land acquired shall be taken in the name of and to the State of Texas, and all contracts made by the board for the purchase of land, or in connection with any construction contracted for by said board, and all contracts made by the Prison Board with the Board of Control, shall be approved by the Attorney General of Texas.

Sec. 8. The fact that our present Prison System is wholly inadequate for the needs of this State, does not provide for proper treatment of the prisoners, is yearly losing a large amount of money which the taxpayers are compelled to pay, makes it imperative that the State Prison System be reorganized and modernized as speedily as possible, in order to protect the people of Texas from the menace of escaping criminals, and the criminally inclined generally, and to prevent the constant drain on the public treasury creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read upon three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

Signed—Sanders, Bond, Barron.

Question—Shall the amendment be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 27, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 2, Designating the week beginning March 10 and ending March

16, 1930, as Business and Professional Women's Week.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

INTRODUCTION OF STATE HIGHWAY PATROL.

Hon. W. A. Williamson, Senator from Bexar county, appeared at the bar of the House, and being recognized by the Speaker, stated to the House that the members of the Highway Patrol of Texas were at the bar of the House and that he desired that they be admitted to the floor of the House.

There was no objection offered.

The Highway Patrol being admitted and then being commanded by Hon. W. A. Williamson, marched to the Speaker's stand.

Speaker Barron presented Hon. W. A. Williamson who introduced L. G. Phares, captain of the Highway Patrol, and Miss Grace Fowler, mascot of the Patrol.

Mr. Purl moved that the House recess to 2 o'clock p. m. today.

Yeas and nays were demanded.

The roll of the House was called and the vote resulted as follows:

Yeas—63.

Mr. Speaker.	Magee.
Albritton.	Marks.
Allred.	Maynard.
Anderson.	McGill.
Baker.	Metcalfe.
Bond.	Mosely.
Brooks.	Mullally.
Carpenter.	Murphy.
Chastain.	Nicholson.
Coltrin.	Pavlica.
Conway.	Pool.
Cox of Limestone.	Pope of Jones.
Davis.	Prendergast.
DeWolfe.	Purl.
Enderby.	Ray.
Eickenroht.	Renfro.
Forbes.	Riley.
Hardy.	Rogers.
Harding.	Sanders.
Harman.	Savage.
Harrison.	Shelton.
Hubbard.	Simmons.
Jenkins.	Sinks.
Johnson	Speck.
of Dallam.	Tarwater.
Johnson	Tillotson.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Justiss.	Wallace.
Kincaid.	Walters.
Kinnear.	Wiggs.
Loy.	

Nays—35.

Acker.	Mankin.
Ackerman.	McCombs.
Bateman.	McDonald.
Beck.	Mehl.
Bounds.	Moore.
Brice.	Negley.
Dunlap.	Patterson.
Farrar.	Pope of Nueces.
Finlay.	Reader.
Graves	Richardson.
of Williamson.	Shaver.
Graves of Erath.	Stephens.
Heaton.	Stevenson.
Hogg.	Storey.
Hopkins.	Turner.
Kayton.	Webb.
Kennedy.	West.
King.	Young.

Present—Not Voting.

Giles.

Absent.

Adkins.	Lemens.
Baldwin.	Long of Wjchita.
Barnett.	Martin.
Bradley.	Mauritz.
Duvall.	Morse.
Gates.	Olsen.
Gilbert.	O'Neill.
Harper.	Petsch.
Hefley.	Reid.
Hines.	Terrell.
Jones.	Thompson.
Keeton.	Warwick.
Keller.	Westbrook.
Kemble.	Williams
Kenyon.	of Sabine.
Land.	Woodruff.
Lee.	

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday.	Williams
Long of Houston.	of Hardin.
McKean.	Williams
Minor.	of Travis.
Montgomery.	

Mr. Purl raised the point of order that there is not a quorum present.

The Speaker sustained the point of order.

Mr. Van Zandt asked unanimous consent of the House that the House stand at ease until 2 o'clock p. m. today.

There was no objection offered.

AFTERNOON SESSION.

The House reconvened at 2 o'clock p. m., and was called to order by Speaker Barron.

HOUSE BILL NO. 10 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 10, relative to centralizing the State penitentiary system, on its passage to engrossment, with amendment by Mr. Sanders, pending.

Mr. Beck moved the previous question on the pending amendment and the bill, and the motion was duly seconded.

Question then recurring on the motion for the previous question, yeas and nays were demanded.

The main question was ordered by the following vote:

Yeas—65.

Acker.	Kennedy.
Ackerman.	King.
Adkins.	Long of Wichita.
Allred.	Mankin.
Baker.	Marks.
Beck.	Maynard.
Bounds.	McDonald.
Bradley.	Mehl.
Brice.	Moore.
Brooks.	Mosely.
Cox of Limestone.	Mullally.
Davis.	Negley.
Enderby.	Patterson.
Farrar.	Pavlica.
Finlay.	Pope of Nueces.
Gilbert.	Prendergast.
Giles.	Reader.
Graves	Renfro.
of Williamson.	Richardson.
Graves of Erath.	Rogers.
Hardy.	Shaver.
Harman.	Sinks.
Harper.	Stephens.
Harrison.	Stevenson.
Heaton.	Storey.
Hines.	Tarwater.
Hogg.	Turner.
Hopkins.	Veatch.
Hubbard.	Webb.
Jenkins.	Williams
Johnson of Smith.	of Travis.
Jones.	Woodruff.
Justiss.	Young.
Kayton.	

Nays—36.

Barnett.	Coltrin.
Bond.	Conway.
Carpenter.	Eickenroht.
Chastain.	Forbes.

Harding.	Pool.
Johnson	Pope of Jones.
of Dallam.	Purl.
Johnson	Riley.
of Dimmit.	Sanders.
Johnson of Scurry.	Savage.
Keeton.	Shelton.
Kincaid.	Simmons.
Kinnear.	Speck.
Lee.	Tillotson.
Magee.	Van Zandt.
McGill.	Waddell.
Metcalfe.	Wallace.
Murphy.	West.
Nicholson.	Wiggs.

Present—Not Voting.

Mr. Speaker.

Absent.

Albritton.	Martin.
Anderson.	Mauritz.
Baldwin.	McCombs.
Bateman.	Morse.
DeWolfe.	Olsen.
Dunlap.	O'Neill.
Duvall.	Petsch.
Gates.	Ray.
Hefley.	Reid.
Keller.	Terrell.
Kemble.	Thompson.
Kenyon.	Walters.
Land.	Warwick.
Lemens.	Westbrook.
Loy.	

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday	Williams
Long of Houston.	of Sabine.
McKean.	Williams
Minor.	of Hardin.
Montgomery.	

Question then recurring on the amendment by Mr. Sanders, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—39.

Mr. Speaker.	Dunlap.
Adkins.	Enderby.
Baker.	Forbes.
Barnett.	Hubbard.
Bond.	Johnson
Brooks.	of Dallam.
Carpenter.	Johnson
Chastain.	of Dimmit.
Coltrin.	Johnson of Scurry.
Conway.	Jones.
Davis.	Keeton.
DeWolfe.	Kemble.

Kincaid.	Ray.
Lee.	Sanders.
Loy.	Savage.
Magee.	Speck.
Morse.	Van Zandt.
Nicholson.	Waddell.
Pool.	Wallace.
Pope of Jones.	West.
Purl.	

Nays—58.

Acker.	Mankin.
Ackerman.	Marks.
Allred.	Mauritz.
Anderson.	Maynard.
Bateman.	McDonald.
Beck.	Mehl.
Bounds.	Moore.
Brice.	Mosely.
Cox of Limestone.	Murphy.
Eickenroht.	Negley.
Farrar.	Pavlica.
Finlay.	Pope of Nueces.
Gilbert.	Prendergast.
Giles.	Reader.
Graves	Renfro.
of Williamson.	Richardson.
Graves of Erath.	Rogers.
Hardy.	Shaver.
Harding.	Sinks.
Harman.	Stephens.
Hines.	Stevenson.
Hopkins.	Storey.
Jenkins.	Tarwater.
Johnson of Smith.	Tillotson.
Kayton.	Turner.
Keller.	Veatch.
Kennedy.	Webb.
King.	Woodruff.
Kinnear.	Young.
Long of Wichita.	

Present—Not Voting.

Harper.	Riley.
Heaton.	Shelton.
Justiss.	Simmons.
McGill.	Williams
Metcalf.	of Travis.
Patterson.	

Absent.

Albritton.	McCombs.
Baldwin.	Mullally.
Bradley.	Olsen.
Duvall.	O'Neill.
Gates.	Petsch.
Harrison.	Reid.
Hefley.	Terrell.
Hogg.	Thompson.
Kenyon.	Walters.
Land.	Warwick.
Lemens.	Westbrook.
Martin.	Wiggs.

Absent—Excused.

Avis.	Finn.
Cox of Lamar.	Fuchs.

Holder.	Rountree.
Hornaday.	Sherrill.
Long of Houston.	Snelgrove.
McKean.	Williams
Minor.	of Sabine.
Montgomery.	Williams
Palmer.	of Hardin.
Quinn.	

Paired.

Mr. Shelton (present), who would vote "yea," with Mr. Quinn (absent), who would vote "nay."

Mr. Patterson (present), who would vote "nay," with Mr. Holder (absent), who would vote "yea."

Mr. McGill (present), who would vote "yea," with Mr. Lemens (absent), who would vote "nay."

Mr. Riley (present), who would vote "yea," with Mr. Palmer (absent), who would vote "nay."

Mr. Justiss (present), who would vote "yea," with Mr. Albritton (absent), who would vote "nay."

Mr. Heaton (present), who would vote "nay," with Mr. Cox of Lamar (absent), who would vote "yea."

Mr. Metcalfe (present), who would vote "yea," with Mr. Long of Houston (absent), who would vote "nay."

Mr. Hardy moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

House bill No. 10 was then passed to engrossment by the following vote:

Yeas—65.

Acker.	Johnson
Ackerman.	of Dallam.
Adkins.	Johnson of Smith.
Allred.	Justiss.
Anderson.	Keller.
Baker.	Kayton.
Bateman.	Kennedy.
Beck.	King.
Bounds.	Kinnear.
Bradley.	Long of Wichita.
Brice.	Magee.
Dunlap.	Mankin.
Eickenroht.	Marks.
Farrar.	Maynard.
Finlay.	McDonald.
Gilbert.	Mehl.
Giles.	Metcalf.
Graves	Moore.
of Williamson.	Morse.
Graves of Erath.	Mosely.
Hardy.	Negley.
Harding.	Pavlica.
Harman.	Pope of Nueces.
Hines.	Prendergast.
Hopkins.	Reader.
Jenkins.	Renfro.

Richardson.	Tillotson.
Rogers.	Turner.
Shaver.	Veatch.
Sinks.	Webb.
Stephens.	Williams
Stevenson.	of Travis.
Storey.	Woodruff.
Tarwater.	Young.

Nays—32.

Mr. Speaker.	Kincaid.
Barnett.	Lee.
Bond.	Loy.
Brooks.	Murphy.
Carpenter.	Nicholson.
Chastain.	Pool.
Coltrin.	Pope of Jones.
Conway.	Purl.
Davis.	Riley.
Forbes.	Sanders.
Hubbard.	Savage.
Johnson	Speck.
of Dimmit.	Van Zandt.
Johnson of Scurry.	Waddell.
Jones.	Wallace.
Keeton.	West.
Kemble.	

Present—Not Voting.

Cox of Limestone.	Mullally.
Harper.	Patterson.
Heaton.	Shelton.
Mauritz.	Simmons.
McGill.	

Absent.

Albritton.	McCombs.
Baldwin.	Olsen.
DeWolfe.	O'Neill.
Duvall.	Petsch.
Enderby.	Ray.
Gates.	Reid.
Harrison.	Terrell.
Hefley.	Thompson.
Hogg.	Walters.
Kenyon.	Warwick.
Land.	Westbrook.
Lemens.	Wiggs.
Martin.	

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday.	Williams
Long of Houston.	of Sabine.
McKean.	Williams
Minor.	of Hardin.
Montgomery.	

Mr. Pope of Nueces moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 10 ON THIRD READING.

Mr. Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—87.

Mr. Speaker.	Kinnear.
Acker.	Lee.
Ackerman.	Long of Wichita.
Adkins.	Magee.
Allred.	Mankin.
Anderson.	Marks.
Baker.	Maynard.
Bateman.	McDonald.
Beck.	Mehl.
Bond.	Metcalfe.
Bounds.	Moore.
Bradley.	Morse.
Brice.	Mosely.
Brooks.	Mullally.
Coltrin.	Murphy.
Conway.	Negley.
DeWolfe.	Nicholson.
Dunlap.	Patterson.
Enderby.	Pavlica.
Eickenroht.	Pope of Nueces.
Farrar.	Prendergast.
Finlay.	Purl.
Gilbert.	Reader.
Giles.	Renfro.
Graves	Richardson.
of Williamson.	Rogers.
Graves of Erath.	Sanders.
Hardy.	Savage.
Harding.	Shaver.
Harman.	Simmons.
Harper.	Sinks.
Heaton.	Speck.
Hines.	Stephens.
Hopkins.	Stevenson.
Jenkins.	Storey.
Johnson	Tarwater.
of Dallam.	Tillotson.
Johnson	Turner.
of Dimmit.	Veatch.
Johnson of Smith.	Wallace.
Justiss.	Webb.
Kayton.	Williams
Keller.	of Travis.
Kemble.	Woodruff.
Kennedy.	Young.
King.	

Nays—17.

Barnett.	Jones.
Carpenter.	Keeton.
Chastain.	Kincaid.
Cox of Limestone.	Loy.
Davis.	McGill.
Forbes.	Pope of Jones.
Johnson of Scurry.	Shelton.

Van Zandt. West.
Waddell.
Present—Not Voting.

Mauritz.
Absent.

Albritton.	Olsen.
Baldwin.	O'Neill.
Duvall.	Petsch.
Gates.	Pool.
Harrison.	Ray.
Hefley.	Reid.
Hogg.	Riley.
Hubbard.	Terrell.
Kenyon.	Thompson.
Land.	Walters.
Lemens.	Warwick.
Martin.	Westbrook.
McCombs.	Wiggs.

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday.	Williams
Long of Houston.	of Sabine.
McKean.	Williams
Minor.	of Hardin.
Montgomery.	

The Speaker then laid House bill No. 10 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—67.

Acker.	Hopkins.
Ackerman.	Jenkins.
Adkins.	Johnson
Allred.	of Dallam.
Anderson.	Johnson of Smith.
Baker.	Justiss.
Bateman.	Kayton.
Beck.	Keller.
Bounds.	Kennedy.
Bradley.	Kinnear.
Brice.	Long of Wichita.
DeWolfe.	Magee.
Dunlap.	Mankin.
Enderby.	Marks.
Eickenroht.	Maynard.
Farrar.	McDonald.
Finlay.	Mehl.
Gilbert.	Metcalfe.
Giles.	Moore.
Graves	Morse.
of Williamson.	Mosely.
Graves of Erath.	Mullally.
Hardy.	Negley.
Harding.	Pavlica.
Harman.	Pope of Nueces.
Hines.	Prendergast.

Reader.	Tarwater.
Renfro.	Tillotson.
Richardson.	Turner.
Rogers.	Veatch.
Shaver.	Webb.
Sinks.	Williams
Stephens.	of Travis.
Stevenson.	Woodruff.
Storey.	Young.

Nays—30.

Mr. Speaker.	Kincaid.
Barnett.	Lee.
Brooks.	Loy.
Carpenter.	Murphy.
Chastain.	Nicholson.
Coltrin.	Pool.
Conway.	Pope of Jones.
Cox of Limestone.	Purl.
Davis.	Sanders.
Forbes.	Savage.
Johnson	Speck.
of Dimmit.	Van Zandt.
Johnson of Scurry.	Waddell.
Jones.	Wallace.
Keeton.	West.
Kemble.	

Present—Not Voting.

Harper.	Patterson.
Heaton.	Riley.
Mauritz.	Shelton.
McGill.	Simmons.

Absent.

Albritton.	Martin.
Baldwin.	McCombs.
Bond.	Olsen.
Duvall.	O'Neill.
Gates.	Petsch.
Harrison.	Ray.
Hefley.	Reid.
Hogg.	Terrell.
Hubbard.	Thompson.
Kenyon.	Walters.
King.	Warwick.
Land.	Westbrook.
Lemens.	Wiggs.

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday.	Williams
Long of Houston.	of Sabine.
McKean.	Williams
Minor.	of Hardin.
Montgomery.	

Paired.

Mr. Shelton (present), who would vote "nay," with Mr. Quinn (absent), who would vote "yea."

Mr. Patterson (present), who would vote "yea," with Mr. Holder (absent), who would vote "nay."

Mr. McGill (present), who would vote "nay," with Mr. Lemens (absent), who would vote "yea."

Mr. Riley (present), who would vote "nay," with Mr. Palmer (absent), who would vote "yea."

Mr. Simmons (present), who would vote "nay," with Mr. Snelgrove (absent), who would vote "yea."

Mr. Heaton (present), who would vote "yea," with Mr. Cox of Limestone (absent), who would vote "nay."

Mr. Harper (present), who would vote "yea," with Mr. Olsen (absent), who would vote "nay."

Mr. Pope of Nueces moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 27, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 3, Authorizing Board of Control to expend an appropriation made at the Second Called Session for the erection of a monument at the grave of Kenneth L. Anderson.

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

TO PROVIDE FOR ERECTION OF MONUMENT FOR KENNETH ANDERSON.

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 3, To erect a monument for Kenneth L. Anderson.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Board of Control be authorized to use the appropriation made at the Second Called Session of the Forty-first Legislature for the removal of the body of Kenneth L. Anderson, for the erection of a monument at his grave in Anderson, Grimes county, Texas.

The resolution was read second time, and was adopted.

MOTION FOR SPECIAL ORDER.

Mr. Hardy moved that House bill No. 5 be set as a special order for 10 o'clock a. m. tomorrow.

The motion was lost by the following vote:

Yeas—60.

Mr. Speaker.	Mehl.
Adkins.	Metcalfe.
Allred.	Morse.
Bounds.	Mosely.
Bradley.	Mullally.
Brooks.	Negley.
Carpenter.	Nicholson.
Chastain.	Patterson.
Coltrin.	Prendergast.
Conway.	Purl.
Dunlap.	Ray.
Enderby.	Reader.
Eickenroht.	Richardson.
Forbes.	Riley.
Gilbert.	Rogers.
Graves of Erath.	Sanders.
Hardy.	Savage.
Harding.	Shelton.
Harman.	Simmons.
Hopkins.	Speck.
Hubbard.	Stevenson.
Johnson	Storey.
of Dallam.	Tillotson.
Johnson	Van Zandt.
of Dimmit.	Waddell.
Johnson of Scurry.	Wallace.
Keller.	Webb.
Kemble.	Wiggs.
Kinnear.	Williams
Magee.	of Travis.
Maynard.	Woodruff.
McGill.	

Nays—39.

Baker.	Kincaid.
Barnett.	King.
Bateman.	Lee.
Bond.	Long of Wichita.
Brice.	Loy.
Cox of Limestone.	Mankin.
Davis.	Marks.
DeWolfe.	McDonald.
Farrar.	Moore.
Finlay.	Murphy.
Giles.	Pavlica.
Graves	Pool.
of Williamson.	Pope of Nueces.
Harper.	Shaver.
Heaton.	Sinks.
Hines.	Stephens.
Johnson of Smith.	Tarwater.
Jones.	Turner.
Justiss.	Veatch.
Kennedy.	West.

Present—Not Voting.

Kayton.	Mauritz.
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Absent.

Acker.	Lemens.
Ackerman.	Martin.
Albritton.	McCombs.
Anderson.	Olsen.
Baldwin.	O'Neill.
Beck.	Petsch.
Duvall.	Pope of Jones.
Gates.	Reid.
Harrison.	Renfro.
Hefley.	Terrell.
Hogg.	Thompson.
Jenkins.	Walters.
Keeton.	Warwick.
Kenyon.	Westbrook.
Land.	Young.

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday.	Williams
Long of Houston.	of Sabine.
McKean.	Williams
Minor.	of Hardin.
Montgomery.	

TO PROVIDE FOR SINE DIE ADJOURNMENT.

Mr. Stevenson offered the following resolution:

H. C. R. No. 3, Providing for adjournment sine die.

Resolved by the House of Representatives, the Senate concurring, That the Fifth Called Session of the Forty-first Legislature of the State of Texas stand adjourned sine die at 12 o'clock, noon, on Saturday, March 1st, 1930.

Signed—Stevenson, Kenyon, Hopkins, Anderson, Mankin, Nicholson, Kemble, Kinnear, Kincaid, Wiggs, Pope of Nueces, Quinn, Reader, Metcalfe, DeWolfe, Webb, Eickenroht, Bond, Stephens, Mosely, Renfro, Pavlica, Richardson, Giles, Adkins, Bounds, Williams of Travis, Enderby, Turner, McDonald, Murphy, Moore, Harman, Tarwater, Hines, Kennedy, Albritton, Prendergast, Baker, King, Storey, Graves of Williamson, Finlay, Brooks, Purl, Maynard, Hardy, Mullally, Cox of Lime-stone, Long of Wichita, Kayton, Heaton.

The resolution was read second time. Mr. Metcalfe offered the following amendment to the resolution:

Amend House concurrent resolution No. 3 to provide sine die adjournment for "Saturday, March 8, 1930."

Mr. Beck moved that the resolution

and the amendment be laid on the table subject to call.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—59.

Mr. Speaker.	Justiss.
Acker.	Lee.
Allred.	Magee.
Baker.	Marks.
Barnett.	Mauritz.
Beck.	McGill.
Bradley.	Morse.
Brice.	Mullally.
Carpenter.	Negley.
Chaastain.	Pool.
Coltrin.	Prendergast.
Conway.	Purl.
Davis.	Ray.
Dunlap.	Richardson.
Enderby.	Riley.
Eickenroht.	Rogers.
Farrar.	Sanders.
Forbes.	Savage.
Gilbert.	Shaver.
Graves.	Simmons.
of Williamson.	Sinks.
Graves of Erath.	Speck.
Harding.	Stephens.
Hogg.	Tillotson.
Hubbard.	Van Zandt.
Johnson.	Veatch.
of Dallam.	Waddell.
Johnson.	Wallace.
of Dimmit.	West.
Johnson of Smith.	Woodruff.
Johnson of Scurry.	Young.
Jones.	

Nays—40.

Adkins.	Long of Wichita.
Anderson.	Loy.
Bateman.	Mankin.
Bond.	Maynard.
Bounds.	McDonald.
Brooks.	Mehl.
DeWolfe.	Metcalfe.
Finlay.	Moore.
Giles.	Mosely.
Harman.	Murphy.
Harper.	Nicholson.
Heaton.	Pavlica.
Hines.	Pope of Nueces.
Hopkins.	Reader.
Kayton.	Shelton.
Kemble.	Stevenson.
Kennedy.	Storey.
Kincaid.	Tarwater.
King.	Turner.
Kinnear.	Webb.

Present—Not Voting.

Keller.	Williams
Wiggs.	of Travis.

Absent.

Ackerman.	Martin.
Albritton.	McCombs.
Baldwin.	Olsen.
Cox of Limestone.	O'Neill.
Duvall.	Patterson.
Gates.	Petsch.
Hardy.	Pope of Jones.
Harrison.	Reid.
Hefley.	Renfro.
Jenkins.	Terrell.
Keeton.	Thompson.
Kenyon.	Walters.
Land.	Warwick.
Lemens.	Westbrook.

Absent—Excused.

Avis.	Palmer.
Cox of Lamar.	Quinn.
Finn.	Rountree.
Fuchs.	Sherrill.
Holder.	Snelgrove.
Hornaday.	Williams
Long of Houston.	of Sabine.
McKean.	Williams
Minor.	of Hardin.
Montgomery.	

NOTICE GIVEN.

Mr. Stevenson gave notice that he would on tomorrow call up for consideration at that time House concurrent resolution No. 3, providing for adjournment sine die, which resolution had been laid on the table subject to call.

ADJOURNMENT.

Mr. Tillotson moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Kayton moved that the House adjourn until 10 o'clock a. m. next Monday.

The motion of Mr. Kayton prevailed, and the House, accordingly, at 3:50 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Judiciary: House bill No. 25.
 Agriculture: House bill No. 38.
 Penitentiaries: Senate bill No. 5.
 State Affairs: House bill No. 35.

PROCEEDINGS IN INVESTIGATION
OF CHARGES FILED AGAINST S.
H. TERRELL, COMPTROLLER.

TUESDAY, FEBRUARY 25, 1930.

Morning Session.

The Committee of the Whole met at 10 o'clock a. m., this day, pursuant to adjournment.

The Chairman: We have a quorum. There being a quorum present, the House will rise to the invocation.

Mr. Sanders of Nacogdoches: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House, for the purpose of proceeding with this hearing.

The Chairman: The gentleman from Nacogdoches moves that the House resolve itself into the Committee of the Whole House for the purpose of proceeding with this hearing. Is there any objection? All right, gentlemen, we are ready to proceed.

F. B. Hardeman was thereupon recalled as a witness in behalf of the respondent, and having been previously sworn by the Chairman, testified as follows:

Redirect Examination.

Questions by General Keeling:

Q. Mr. Hardeman, you were on the stand yesterday?

A. Yes, sir.

Q. One matter that I desired to ask you about yesterday that escaped my memory at the time—you as statistician of the Comptroller's office were reasonably familiar with the various matters discussed in that department, weren't you?

A. Yes, sir.

Q. Did your duties throw you in close connection with the various members of the department?

A. It did.

Q. Were you intimately acquainted with Mr. E. J. Martin?

A. I was.

Q. And I will ask you if you know the general relationship that existed between Mr. Martin and Mr. Terrell?

A. Yes, sir.

Q. Both socially and politically?

A. I do.

Q. State whether or not that relationship was intimate or otherwise?

A. It was intimate at all times.

Q. Will you in your own way de-

scribe to this committee the general relationship that existed between them?

A. Well, I know that Mr. Martin was very intimate with Mr. Terrell. He was also one of the administrators of the Terrell estate. He handled his campaign each time that he ran for Comptroller; and I was closely associated with him during 1924, when Mr. Terrell first ran for office, and at all times Mr. Martin had the authority or did sign any kind of document in the office and out of the office pertaining to anything that was necessary for him or Mr. Terrell to sign.

Q. Was that a privilege that was enjoyed by the other members of the department as well as Mr. Martin?

A. No, sir, it was not.

Q. Were you also acquainted with Mr. Martin in a business way?

A. I was.

Q. Did you ever have any business associations with him or connection with him?

A. I did.

Q. Please tell the House just what that was?

A. Well, on several occasions Mr. Martin would talk to me, or we talked to one another about the condition our finances were in, and in June—the first of June, 1929, Mr. Martin came to me, and he said, "Bob, don't you need some money?" He says, "I would like to borrow some," he says, "You go to the bank and make a note for it." He says, "I have just settled up with Mr. Terrell, about thirty days ago, and paid him all I owed him at that time." He says, "I hate to go back there to ask him to lend me any more." I told him I would be glad to do it. So we went to the American National Bank, to Major Roberdeau, made a note for \$300.00, Mr. Martin getting \$150.00 of it and myself \$150.00 of it; the note was made for ninety days, due September 1st, at the time Mr. Martin told me he expected to resign. Of course, Mr. Martin died during that time, and when the note came due, or before it came due, I went to Major Roberdeau and asked him what could be done about it. He says, "We will split the note, you pay your half and let Mrs. Martin pay the half that belonged to Mr. Martin," which was done; that is, I took care of my part of it, and the note was paid by Mrs. Martin for the \$150.00 that Mr. Martin owed.

Q. You say he settled with Mr. Terrell? Did he state in what manner he settled with him?

A. Yes, he said at times he had been depositing money in the bank for him,

and about thirty days previous to that, or maybe a little longer, he had left in the bank for Mr. Terrell the balance he owed him, which was around \$4,000.00.

Q. In your connection with that department as statistician, did you have occasion at any time to observe the Austin bank check books or the books upon which that account was kept?

A. Yes, sir, on several occasions when it was necessary for me to go to Mr. Martin's desk, when he would be out of town, or probably in town, to get up information that he had, why, I on several occasions saw checks of the Austin National Bank in his desk and the check book also.

Q. Did you see that book there after his death?

A. I did not.

Q. Do you know what became of that book?

A. I do not.

Q. How long have you known Mr. Terrell?

A. About six years—personally knew him about six years—well, I should state that I knew him about a year before he ran for office the first time, which was in 1924.

Q. What was the occasion of your becoming acquainted with Mr. Terrell?

A. Well, I don't know just exactly the occasion for me becoming acquainted with him; I happened to meet him, and after that he and I became good friends, —or, I should say, fairly good friends; and then in 1924, when he ran for office, we became intimate friends.

General Keeling: This closes our examination of the witness.

Recross Examination.

Questions by Mr. Stevenson:

Q. Mr. Hardeman, you testified to a conversation with Mr. Martin about what he owed Mr. Terrell?

A. Yes, sir.

Q. When did he say that indebtedness was incurred?

A. He told me when he went in office—when Mr. Terrell went in office that he owed Mr. Terrell something like \$5,000.00.

Q. When Mr. Terrell went in office?

A. Yes, sir.

Q. That was in 1925, wasn't it?

A. Yes, sir, January, 1925.

Q. Now, did he tell you how he had paid that?

A. No,—Mr. Martin—nothing more than this: Mr. Martin and I talked very frequently as to our financial conditions and how we would like to get out

of debt, and he said that he was making every effort that he could to pay Mr. Terrell before he did anyone else as he was under obligations to an extent that he wanted to pay him before he did any one.

Q. Did he say that Mr. Terrell held his note?

A. No, I don't believe he said that.

Q. Did he say that Mr. Terrell had any security for that debt?

A. I don't know as he mentioned that.

Q. Did he tell you any other details about it?

A. No, sir, nothing, any more than to say that he owed Mr. Terrell and owed him after he went in office and got money from him after he went in office.

Q. How did he become indebted to him—was it borrowed money?

A. I couldn't say.

Q. Was it money he has used to make an investment of some kind?

A. I couldn't say.

Q. Did Mr. Martin own any property at that time?

A. I do not know.

Q. When was it you had this conversation with him?

A. I had several conversations with him, numerous conversations with him.

Q. When was the one that he said he paid him up?

A. June 1st, or thereabouts.

Q. What year?

A. 1929.

Q. 1929. Now, when did Mr. Martin die?

A. July 10, 1929, as well as I remember.

Q. The 10th day of July, 1929. Now, what desk did he occupy in the Comptroller's Department?

A. He was at the head of the Gross Receipts Division, which I believe they call the title Chief Tax Supervisor.

Q. Chief Tax Supervisor?

A. Yes, sir.

Q. Does that require him to receive occupation taxes as well as gross receipts taxes?

A. Yes, sir, and also gasoline taxes.

Q. I see. He was your supervisor of the tax department, was he?

A. For the gross receipts department.

Q. For the gross receipts department?

A. Yes, sir.

Q. Well, occupation tax, also?

A. Yes, sir. That is classed as gross receipts department.

Q. Oh, yes, all classed as the same department?

A. Yes, sir.

Q. Now, you say he was the only one that enjoyed the privilege of checking on Mr. Terrell's account?

A. I didn't say he was the only one that enjoyed the privilege of checking on his account. I say he was the only one that enjoyed or had the authority, of the employees in the office, to sign any document or any papers or any letter pertaining to anything that concerned Mr. Terrell; and I will also state that the chief clerk, as I understand it, has the right to sign those also.

Q. Well, but with reference to checks, that is what I am getting at—these checks drawn on the Austin National Bank, did anybody else have any authority to sign those except Terrell and Martin?

A. No one that I know of.

Q. You never heard of anybody drawing any checks, did you?

A. No, sir.

Q. Did you ever hear of Mr. McKay drawing any checks on that account, Mr. Hardeman?

A. I never did hear of him drawing checks on any account.

Q. Did you ever see any checks that were written by Mr. Martin on that account?

A. I have seen checks on his desk in the book written but not signed.

Q. Not signed?

A. No, sir.

Q. That would be checks made out in blank and still resting on his desk before delivery, wouldn't it?

A. Yes, sir.

Q. At that time not signed by anyone?

A. No, sir.

Q. And you don't know who signed them later, do you?

A. I don't; but I presume he signed them, for the reason he had that authority for everything Mr. Terrell had authority to do.

Q. Well, you presume that, you don't know it?

A. No, sir, I don't know it for a fact.

Q. Did you ever see any bank statements returned from the bank, with cancelled checks, of that account?

A. I did not.

Q. You don't know what became of those cancelled checks, do you?

A. I do not.

Q. Now, what is your job down there?

A. Statistician.

Q. What is this statistician?

A. Well, compiling the financial records of the office for anyone up there, or anyone—anyone who desires us to make a financial statement each month, and it requires me to get information from every division of the Department.

Q. Now, in making up that financial statement, did you ever take into account at any time during those four years those funds deposited in the Austin National Bank?

A. I did not.

Q. It was your duty to secure that information, wasn't it?

A. It was not.

Q. I thought you just stated that you did secure information from every desk in that Department?

A. But not pertaining to bank accounts.

Q. Well, wasn't the money deposited in those bank accounts part of the funds that you should have seen to make a statement?

A. No, sir.

Q. You think that this inheritance tax money should not be accounted for in the statement you made?

A. No, sir; only those that had been actually collected and receipts showed for them.

Q. All right. They had been collected, hadn't they?

A. As far as I know, they had not.

Q. So you did not know about it?

A. No, sir.

Q. You should have been informed about it, shouldn't you, Mr. Hardeman?

A. Not necessarily, unless they went through the State Treasury. I taken in consideration everything that came through the office and dealings between the Comptroller's office and the State Treasurer, the general revenue, and all special funds.

Q. That is right. Now, isn't that a special fund, Mr. Hardeman?

A. It didn't go through the State Treasurer.

Q. But wasn't it a special fund in the hands of the Comptroller?

A. It may have been a special fund in the hands of the Comptroller, but still didn't go through the State Treasury; consequently, I didn't have any recognition of it.

Q. All right, let me get at this from another angle. You knew an escrow record was kept down there, didn't you, of money collected and checks held in escrow?

A. I did not.

Q. Well, wasn't it your duty to see that book?

A. No, sir, it wasn't.

Q. You didn't take that into consideration at all?

A. No, sir.

Q. And in making up your statement on the Department, it was not necessarily to include funds that were being held in escrow and shown in the records of your Department as being held in escrow?

A. It was not.

Q. Therefore, you didn't know that Mr. Martin, or Mr. Terrell, whichever one it was, had this total of about \$63,000.00 in the banks here in Austin, did you?

A. I did not.

Q. When was your attention first called to that?

A. My attention was first called to that by the State Auditor; I don't say that he spoke to me about, but I was in his presence when it all happened in regards to the escrow money—in fact, Mr. Moulden, I believe, came to me, or Mr. Byrns, I don't know who it was now, and asked me if I knew anything about certain remittances, if I knew anything about or relating to the fund, and, of course, I didn't know. But I went to searching to see if I could find it.

Q. Yes, sir. Now, you were present when Mr. Terrell had a conference with the Auditor, weren't you?

A. No, sir.

Q. Weren't you there on the occasion on which he submitted his check stubs in this identical account and relating to the escrow account, said that those checks listed on those stubs were given for personal use?

A. No, sir.

Q. Did you ever hear Mr. Terrell make a statement to that effect?

A. I did not.

Q. You have not been present during the time Mr. Terrell's own auditor has been auditing his accounts, haven't you?

A. Yes, sir.

Q. Haven't you been in conference with that auditor and Mr. Terrell during that time?

A. I have been—that auditor gave me a list of some certain data to get up, which I did. As far as conference is concerned, I can't say we had any conference together.

Q. Hasn't it been discussed between you all there, though?

A. Yes, sir.

Q. Isn't it a fact that in your discussion mention was made of the fact that Mr. Terrell had drawn these checks for personal use on his own funds?

A. Yes, sir.

Q. You have heard that stated, haven't you?

A. Yes, sir.

Q. All right. Now, I will ask you if you haven't examined the listed checks submitted in the Auditor's report?

A. Yes, sir, to a certain extent.

Q. You have seen the report, haven't you?

A. Yes, sir.

Q. And you have also seen the State Auditor's report?

A. Yes, sir.

Q. And I will ask you if it is not a fact, now, that these particular items here, beginning with the checks drawn July 31st, and on the Austin National Bank, if those items haven't all been drawn since the date that Mr. Martin died?

A. It appears so.

Q. Yes, sir. I will ask you if there is not a check shown in that account on August 6th, to Harry Golden, for \$105.00?

A. That is correct.

Q. Who is Harry Golden?

A. He is an automobile tire dealer here.

Q. He is a tire dealer in the city of Austin, isn't he?

A. Yes, sir.

Q. He runs an automobile supply house, doesn't he?

A. Yes, sir.

Q. And this check for \$105.00, now, is drawn on the Austin National Bank and is dated, in this report, August 6th, and that was after the death of Mr. Martin, wasn't it?

A. Yes, sir.

Q. I will ask you if there isn't one on August 6th—on the same date—shown to the Covert Auto Company for \$100.00?

A. Correct.

Q. Who is the Covert Auto Company?

A. They handle Buick automobiles here.

Q. In the city of Austin?

A. Yes, sir.

Q. They also sell automobile accessories, do they not?

A. Yes, sir.

Q. I will ask you if there is not one on August 8th, to the same firm, drawn for \$21.00?

A. Yes, sir.

Q. I will ask you if there isn't one on August 26th, to the M. Cafe for \$20.00?

A. Yes, sir.

Q. And what is the M. Cafe?

A. Maverick Cafe here in town, down on Congress; I presume it is.

Q. An eating place here in Austin?

A. Yes, sir.

Q. I will ask you if there isn't one on August 27th to the Covert Auto Company for \$49.27?

A. Yes, sir.

Q. Another on September 11th, to the Covert Auto Company for \$50.00?

A. Yes, sir.

Q. I will ask you if there isn't one on September 16th, Boone Photo Company, for \$13.72?

A. Correct.

Q. And one to the Gulf Refining Company on the same date, \$14.83?

A. Yes, sir.

Q. And I will ask you if there isn't one on September 19th, drawn to H. Bresler, for \$100.00?

A. Yes, sir.

Q. Who is H. Bresler?

A. He is an employee of the Comptroller's office.

Q. He is drawing a salary from the State of Texas, isn't he?

A. He is.

Q. Yes, sir. Here is a check on the 21st of September to Ed Tarrant for \$212.50. Is that right?

A. Yes, sir.

Q. Who is Ed Tarrant?

A. Yes, sir, \$212.50 is correct.

Q. Who is Ed Tarrant?

A. I don't know him.

Q. You don't know Ed Tarrant?

A. No, sir.

Q. On October 9th, there is another check to the Covert Auto Company for \$100.00, isn't there?

A. Correct.

Q. On November 14th, there is a check to the Calcasieu Lumber Company for \$416.00?

A. Yes, sir.

Q. Who is the Calcasieu Lumber Company?

A. They are a lumber concern here in Austin that sells lumber.

Q. Selling lumber at retail?

A. Yes, sir.

Q. I will ask you do you know where that lumber went?

A. I do not.

Q. Don't you know as a fact that Mr. Terrell has been improving his house out here at Hyde Park during this last summer and fall?

A. Not that I remember of.

Q. Well, you are in close touch with Mr. Terrell, Mr. Hardeman?

A. Yes; but he didn't tell me anything about having his house repaired.

Q. You are on intimate terms with him, aren't you?

A. Yes, sir.

Q. You have been driving around Austin occasionally, haven't you?

A. Yes, sir.

Q. Isn't it a fact you have seen repairs being made on that house during the summer and fall?

A. I don't recall it.

Q. You don't recall it?

A. No, sir.

Q. But there is an item here of \$416.00, given to the Calcasieu Lumber Company and drawn on the Austin National Bank, and that item has been drawn since E. J. Martin died, hasn't it?

A. Correct.

Q. On November 14th another check to the Covert Auto Company for \$100.00, isn't there?

A. Yes, sir.

Q. And on November 20th there is another check to the M. Cafe for \$25.00, isn't there?

A. Correct.

Q. And on December 14th there is another check to the Covert Auto Company for \$100.00, isn't there?

A. Yes, sir.

Q. And on December 18th, one to the Plaza Hotel for \$20.00, isn't there?

A. Yes, sir.

Q. And on January 8th there is one payable to the American National Bank for \$563.38, isn't there?

A. Yes, sir.

Q. Mr. Hardeman, are you sufficiently acquainted with Mr. Terrell to know whether he drives a Buick automobile or not?

A. Yes, sir, he drives a Buick.

Q. Did you ever hear him say that he purchased that Buick from the Covert Auto Company?

A. I did.

Q. He did, in fact, do that, didn't he?

A. I presume he did; he said so.

Q. And you have examined any number of checks in this account which are payable to the Covert Auto Company, haven't you?

A. No, sir, I haven't examined any checks, any more than the records show in the Auditor's report.

Q. That is what I mean, what the records show in the Auditor's report?

A. Yes, sir.

Q. And you have heard—you have already testified you have heard—discussions in reference to that in the Department between Mr. Terrell and the Auditor as to those personal checks?

A. No.

Q. I mean his auditor, I don't mean Mr. Lynn?

A. Yes, sir.

Q. Did Mr. Martin ever sign any documents in that office in the name of S. H. Terrell without affixing his own signature thereto?

A. Yes, sir.

Q. Would he just sign the straight-out name, "S. H. Terrell"?

A. Yes, sir.

Q. And never put any other identification mark on it to show it was signed by him or by Mr. Terrell?

A. None that I ever saw.

Q. You mean to say that his writing—

A. His handwriting.

Q. —his handwriting would be accepted by any bank as authority for Terrell's signature without some identification to show that Martin signed it?

A. Absolutely. He could duplicate my signature.

Q. Oh, he could?

A. Yes, sir.

Q. Did you ever find any of your checks in your own bank account signed by E. J. Martin?

A. No, sir; he didn't have access to my bank account.

Q. Well, if he could duplicate your signature, he might have done that, might he not?

A. Yes; but he didn't do it.

Q. Oh, he didn't do it?

A. No, sir.

Q. Well, as a matter of fact, you don't know that he signed any in Mr. Terrell's bank account?

A. I didn't see him personally sign it, no. But he had authority, as I stated before.

Q. How do you know he had authority; did you ever see him draw checks on that account?

A. No, sir, I did not.

Q. Do you know who in your Department received the bank statements of these accounts?

A. No, sir, I couldn't personally say.

Q. You don't know about that?

A. No, sir.

Q. You have seen the bank record of statements delivered, signed for by S. H. Terrell, haven't you?

A. Yes, sir, I saw them.

Q. Yes, sir.

Mr. Stevenson: I think you can take the witness.

Redirect Examination.

Questions by General Keeling:

Q. Mr. Hardeman, you have just answered in detail the questions propounded by Mr. Stevenson in relation to the list of checks appearing in the Auditor's report, charged to the Austin National Bank, and the other account, about which controversy has arisen here?

A. Yes, sir.

Q. I will ask you if any—if the audit disclosed that any of these checks were signed by Mr. Terrell for his own personal account before Mr. Martin told you that he had turned over this account—this deposit in the bank to Mr. Terrell in settlement of his indebtedness to him?

A. You mean that none of the checks were signed prior to the time that Mr. Martin told me this?

Q. Yes.

A. They were not.

Q. Then all of the checks that appear in this report for Mr. Terrell's own use and benefit were signed after Mr. Martin told you that he had settled with Mr. Terrell by turning over to him a deposit of about \$4,000.00 in the bank?

A. That is correct.

Q. I believe you answered yesterday that you knew nothing of the organization of the Texas Tax Record Corporation?

A. No, sir, I don't.

Q. Do you know whether or not at that time Mrs. Gladys Terrell was working in the Comptroller's Department?

A. No, sir, she wasn't working in the Comptroller's Department. Mrs. Terrell had been working for Robinson & Robinson, insurance people down here in Austin; she was working there before Mr. Terrell went in as Comptroller, and she continued to work there up until the time that they adopted the two children—that is, when they adopted one child, and they later on adopted the other, and at that time Mrs. Terrell resigned, or just before that, that event—one child was about twenty months old and one was three years old.

Q. As a matter of fact, then, she did not work in the Comptroller's Department at all?

A. No, sir, she did not that I know of, since I have been there.

Q. That is all.

Recross Examination.

Questions by Mr. Stevenson.

Q. Now, Mr. Hardeman, you have testified in response to General Keeling's

questions that Mr. Martin told you he put this \$4,000.00 in there about June 29th, is that right?

A. No, sir, he told me that he turned the bank book over to Mr. Terrell and that he settled that about thirty days prior to the time that he was talking to me.

Q. And that was in June, was it?

A. The first of June; I think the records will show at the bank it was the first of June.

Q. I want to ask you now about some more of these personal checks, and ask you if they didn't run prior to that time. On May 10th is shown a check to Harry Golden for \$80.95, isn't there?

A. Correct.

Q. And on the same day one to the Covert Auto Company for \$28.85?

A. Correct.

Q. And on May 10th, another one to the Covert Auto Company for \$100.00?

A. Correct.

Q. And on the same date, one to the Calcasieu Lumber Company for \$372.00?

A. Correct.

Q. And on May 21, one to H. Bresler for \$50.00?

A. Correct.

Q. And coming on down into June, June 5th, we find one to the Covert Auto Company for \$100.00?

A. Correct.

Q. And coming on down to July 5th, we find one to the Covert Auto Company for \$100.00?

A. Correct.

Q. And then on July 3d, we find one to Harry Golden again for \$65.00, don't we?

A. Correct.

Q. And on June 9th, to Pearl King—no, that is \$10.00, a small amount?

A. Yes, sir.

Q. Now, I will ask you if it is not a fact that all down this list we have examined there is a check to the Covert Auto Company for \$100.00 every month, beginning with May 10th and concluding December 14th?

A. There appears to be.

Q. There appears to be one given every month for \$100.00?

A. Yes, sir.

Q. And that is both before and after Martin died, isn't it?

A. Yes, sir.

Q. Yes, sir.

Mr. Stevenson: All right. You can have the witness.

General Keeling: Stand aside.

Mr. Petsch: With reference to our next witness, I will state that by agree-

ment of counsel this witness is placed on the stand at this time as a matter of accommodating him, so he can catch the train and leave to go back to his business; that is, he is put on in behalf of the House of Representatives for the purpose of further developing the charge. This is the banker that was referred to the other day in connection with the testimony of Mr. Lynn concerning the \$650.00 check on the account in the Austin National Bank on October 21, 1927.

G. E. Branson was thereupon called as a witness in behalf of the House of Representatives and, having been duly sworn by the Chairman, testified as follows on

Direct Examination.

Questions by Mr. Petsch.

Q. Please state your name.

A. G. E. Branson.

Q. Where do you live, Mr. Branson?

A. Burleson.

Q. What is your business, Mr. Branson?

A. Cashier of the F. & M. Bank.

Q. October 21, 1927, were you or not engaged in any other business besides the banking business?

A. I was handling the Chevrolet automobile.

Q. You were a Chevrolet dealer?

A. Yes, sir.

Q. For Burleson, Texas—for Burleson?

A. Yes, sir.

Q. On or about October 21, 1927, state whether or not you saw Mr. Terrell, the Comptroller, in the town of Burleson on that occasion.

A. I did.

Q. What business, if any, did you have with him on that day?

A. I sold him a Chevrolet coupe.

Q. What price did you get for it?

A. \$657.13.

Q. How were you paid?

A. With a check.

Q. On what—what kind, just give your recollection of or description of the check.

A. The best I remember, it was just a check on one of the banks in Austin; I know it was on a bank in Austin, signed S. H. Terrell, and I believe marked "Special." I am not positive about that.

Q. Yes, sir. Now, then, do your records disclose what was done with that check, and when it was paid, and so forth?

A. Well, my deposit went in on the 21st day of October, 1927.

Q. On what day of the week was that?

A. We looked that up in the calendar, and it shows Friday.

Q. And then, in the normal course of business, in the natural course of business, what became of that check, what did they do with it?

A. I sent it to the Fort Worth National, collect through Fort Worth, and I received credit advice on the 24th of October from the Fort Worth National that they had received it.

Q. You testified that you received the check on the 21st?

A. On the 21st day.

Q. Of October? When did it reach the Fort Worth National Bank?

A. It should have reached there on the 22d—Saturday.

Q. On Saturday? And if the bank handled the check in its natural course, when would it reach Austin?

A. If they had sent it to the correspondent bank at Austin, it should have reached there on the 24th of October.

Q. And I believe that you have already testified that your records show that you were advised of the payment of the check on the 24th?

A. I received advice on the 24th.

Q. Yes, sir?

A. That was issued about the 22d from the Fort Worth National Bank, and my notation shows that I received the advice on the 24th.

Q. All right. That is all.

General Keeling: Stand aside.

General Keeling: At this juncture I desire to make this statement for the benefit of the record: In regard to certain items appearing in the State Auditor's report, and also in the report of the J. A. Phillips Company, auditors in Houston, Texas, employed to audit certain desks in the Comptroller's Department, the following statement is made:

In view of the fact that there is legal doubt as to the proper distribution of a large portion of these funds, Mr. Terrell has placed the following items in the Austin National Bank to be held by that institution until he has been advised by the Attorney General what disposition he should make of the funds, namely:

\$2,458.00 for Al G. Barnes circus tax.

\$775.94 for unknown items originally transferred from the Austin National

Bank to the Texas Bank and Trust Company.

\$2,334.84 for Independent Oil Company item, San Angelo, Texas.

\$28.85 for Auto Supply Company, Laredo, Texas.

\$26.32 unknown.

\$15.00 unknown.

This disposes of all items involved in this hearing except the item of \$6,312.74 due the Magnolia Petroleum Company at Dallas, Texas, which amount Mr. Terrell now stands ready to remit to that company in accordance with arrangements heretofore made, as is reflected by the correspondence already in the record.

A Member: Mr. Chairman, may we have a second reading of that by the Clerk?

The Chairman: Will you let the Clerk read that?

Mr. Keeling: Yes, sir.

(The Reading Clerk thereupon read the statement just above offered and read by counsel for the respondent, which statement was marked "Exhibit 102.")

A Member: Mr. Chairman, does that item state the date of the deposit?

The Chairman: He wants to know the date of the deposit, Mr. Clerk. Read it again.

(The Reading Clerk thereupon read the following deposit slip:)

Deposited with the Austin National Bank, Austin, Texas, for account of S. H. Terrell, Comptroller, February 24, 1930. Please list each check separately.

Currency\$5,638.95

Checks as follows:

Al G. Barnes circus 2,458.00

An unknown fund 775.94

Auto Supply Co. 28.85

Unknown 26.32

Unknown 15.00

Independent Oil Co. 2,334.84

The above items are deposited and are to be held until the Attorney General advises to whom same shall be paid.

Total\$5,638.95

(The deposit slip from which the Reading Clerk read the foregoing item was offered by respondent and received in evidence, marked "Exhibit 103," and is as follows:)

Deposited With
The Austin National Bank,
Austin, Texas.

For Acc't of

S. H. Terrell, Comptroller.

Austin, Texas, February 24, 1930.

Please list each check separately.

Currency\$5,638.96

Silver

Gold

Checks as follows:

Al G. Barnes circus 2,458.00

An unknown fund 775.94

Auto Supply Co. 28.85

Unknown 26.32

Unknown 15.00

Independent Oil Co. 2,334.84

The above items are deposited and are to be held until the Attorney General advises to whom same shall be paid.

Total\$5,638.95

Checks, drafts and other papers received for credit or collection, involving action through other banks or sub-agencies, are received by this bank only as your agent and no responsibility is assumed beyond ordinary diligence in the selection of agents. This bank will not be liable for the negligence or default of other banks or agencies or for loss in the mails. All items are credited subject to payment and the right to "charge back" is reserved pending final receipt of proceeds in money by this bank.

(Stamped across face):

Austin National Bank,

G. W. L.

Feb. 24, 1930.

Austin, Texas.

General Keeling: I will ask the Reading Clerk to read carbon copies of several letters transmitting funds.

Mr. Stevenson: Let's see them. (Examining paper.)

(The Reading Clerk thereupon read the carbon copy of a letter, as follows, which was marked "Exhibit 104.")

Comptroller's Department,
State of Texas.

Austin, Texas, February 24, 1930.

(Seal.)

S. H. Terrell, Comptroller.

J. M. Edwards, Chief Clerk.

Mr. I. L. Busick, 303 Alabama Street,
Amarillo, Texas.

Dear Sir: Enclosed please find check for \$15.00, which amount closes the

transaction of the \$375.00 check sent to this office, which has been forwarded to the various county tax collectors as per your instructions. Inasmuch as you were unable to advise which county might be due this \$15.00 check, I am returning the same to you.

Very truly yours,

State Comptroller of Public Accounts.

SHT:Mc

Encl. 1.

(Across the face): "Copy."

(Counsel for respondent offered and the Reading Clerk read the following letter, which was marked "Exhibit 105.")

Comptroller's Department,
State of Texas.

Austin, Texas, February 21, 1930.

(Seal.)

S. H. Terrell, Comptroller.

J. M. Edwards, Chief Clerk.

Hon. L. P. Card, County Tax Collector,
Tarrant County, Fort Worth, Texas.

Dear Sir: An audit of this Department discloses the fact that on the 28th day of September, 1928, there was paid into this office for account of your County \$112.50 for occupation tax due by Miller Brothers 101 Circus for exhibiting in your County. The audit fails to show that this money was ever remitted to your county for this account. My attention was first called to this item by the audit made for me by J. A. Phillips Company, Certified Public Accountants, of Houston, Texas. I had no previous knowledge of the matter and hence have not heretofore acted on it.

I herewith enclose Cashier's Check on the Austin National Bank of Austin, Texas, bearing No. 66631, to cover this item. Please issue usual receipt to Miller Brothers and acknowledge receipt of this remittance to this office.

Very truly yours,

State Comptroller of Public Accounts.

SHT:Mc

Encl.

(Across the face of the foregoing paper was stamped or imprinted "Copy.")

(Counsel for respondent offered in evidence copy of a letter which was read by the Reading Clerk and marked "Exhibit 106," as follows.)

Comptroller's Department,
State of Texas.

Austin, Texas, February 21, 1930.

(Seal.)

S. H. Terrell, Comptroller.

J. M. Edwards, Chief Clerk.

Hon. Guy C. Raley, County Tax Collector,
Wichita County, Wichita Falls, Texas.

Dear Sir: An audit of this Department discloses the fact that on the 28th day of September, 1928, there was paid into this office for account of your County \$112.50 for Occupation Tax due by Miller Brothers 101 Circus for exhibiting in your County. The audit fails to show that this money was ever remitted to your County for this account. My attention was first called to this item by the audit made for me by J. A. Phillips Company, Certified Public Accountants of Houston, Texas. I had no previous knowledge of the matter and hence have not heretofore acted on it.

I herewith enclose Cashier's Check on the Austin National Bank of Austin, Texas, being No. 66633, to cover this item. Please issue usual receipt to Miller Brothers and acknowledge receipt of this remittance to this office.

Yours very truly,

State Comptroller of Public Accounts.

SHT:Mc

Encls.

(Across the face of the foregoing paper was imprinted "Copy.")

(Counsel for respondent offered in evidence and the Reading Clerk read the following copy of a letter, which was marked "Exhibit 107.")

Comptroller's Department,
State of Texas.

Austin, Texas, February 21, 1930.

(Seal.)

S. H. Terrell, Comptroller.

J. M. Edwards, Chief Clerk.

Hon. A. M. Hearn, County Tax Collector,
Eastland County, Eastland, Texas.

Dear Sir: An audit of this Department discloses the fact that on the 28th day of September, 1928, there was paid into this office for account of your County \$112.50 for Occupation Tax due by Miller Brothers 101 Circus for exhibiting in your County. The audit fails to show that this money was ever remitted to your County for this account.

My attention was first called to this item by the audit made for me by J. A. Phillips Company, Certified Public Accountants of Houston, Texas. I had no previous knowledge of the matter and hence have not heretofore acted on it.

I herewith enclose Cashier's Check on the Austin National Bank of Austin, Texas, bearing No. 66632, to cover this item. Please issue receipt to Miller Brothers and acknowledge receipt of this remittance to this office.

Very truly yours,

State Comptroller of Public Accounts.
SHT:Mc
Encls.

(Across the face of the foregoing paper was imprinted "copy.")

General Keeling: I now desire to offer and have in the record the original requisitions for two items of \$600.00 each—two stamp items of \$600.00 each, which have been discussed in this controversy. These are original documents and I would like to withdraw the same for the files of the office.

(Mr. Stevenson examined the documents.)

General Keeling: They are out of the files of the office where such accounts are kept.

(The Reading Clerk thereupon read the first of said documents, which was marked "Exhibit 108," and is as follows:)

Comptroller of Public Accounts,
State of Texas.
(Seal.) Austin.
S. H. Terrell, Comptroller.
J. M. Edwards, Chief Clerk.

The State of Texas

to
S. H. Terrell,

Comptroller of Public Accounts.

Postage for Comptroller's Department\$600.00

I hereby certify that the above account is true and correct, and that the account was paid by me and that payment is, therefore, now due me.

(Signed) S. H. TERRELL,
State Comptroller of Public Accounts.

Subscribed and sworn to before me, the undersigned authority, on this the 8th day of August, A. D. 1928.

(Signed)

MARY D. McNAMARA,
(Seal) Notary Public
Travis County, Texas.

Appropriation K-272—Postage.

(The Reading Clerk thereupon read the second of said documents, which was marked "Exhibit 109," and is as follows:)

Comptroller of Public Accounts,
State of Texas.

(Seal.) Austin.

S. H. Terrell, Comptroller.
J. M. Edwards, Chief Clerk.

The State of Texas
to

S. H. Terrell,
Comptroller of Public Accounts.

Postage for Comptroller's Department\$600.00

I hereby certify that the above account is true and correct, and that the account was paid by me and that payment is, therefore, now due me.

(Signed) S. H. TERRELL,
State Comptroller of Public Accounts.

Approved out of Appropriation
L-679—Postage.

(Signed) S. H. TERRELL,
State Comptroller.

Subscribed and sworn to before me, the undersigned authority, on this the 5th day of July, A. D. 1929.

(Signed)

MARY D. McNAMARA,
(Seal.) Notary Public,
Travis County, Texas.

General Keeling: At this time I desire to ask the indulgence of the Committee while counsel take an opportunity to discuss the matters relating to the further proceeding of this hearing and with the direct view of facilitating same and bringing it to a close.

Mr. McGill: Mr. Speaker, I move that the House stand at ease for fifteen minutes to give us a chance to confer with the attorneys on the other side.

The Chairman: Mr. McGill moves that the Committee stand at ease for fifteen minutes to give the attorneys a chance to confer. Is there any objection? There is none. The Committee will stand at ease for fifteen minutes.

The Chairman: The Committee of the House will now be in order. All members be seated.

Mr. Keeling: Mr. Chairman, at this juncture I desire to read into the records the following document:

Comptroller's Department,
State of Texas.
Austin, Texas, February 25, 1930.

His Excellency, Dan Moody, Governor of
the State of Texas, Austin, Texas.

Dear Sir: I hereby tender to you my
resignation as Comptroller of Public
Accounts of the State of Texas.

Respectfully,

S. H. TERRELL,
State Comptroller of Public Accounts.
SHT:Mc

Mr. McGill: Mr. Chairman, I send
up a motion.

The Chairman: The gentleman from
El Paso sends up a motion. The Clerk
will read the motion.

The motion was thereupon read by the
Reading Clerk, as follows:

Privileged Motion.

Whereas, S. H. Terrell, State Comp-
troller, has filed with the Governor of
Texas his resignation from the office of
State Comptroller of Public Accounts,
effective immediately, and the Commit-
tee of the Whole has been so advised;
and

Whereas, By virtue of said resigna-
tion one of the objects of this investiga-
tion has been accomplished, namely, the
removal of Mr. Terrell from office; and

Whereas, By virtue of said fact a
legal question arises as to whether or
not the Legislature of Texas continues
to have jurisdiction of this matter; and

Whereas, In the opinion of your at-
torneys, the facts have been brought to
the attention of the people of Texas,
and the record has been made, and a
final action by the Legislature on this
matter could not accomplish anything
additional except the entering of a judg-
ment disqualifying S. H. Terrell from
holding office in Texas hereafter;

Therefore, we, your attorneys, recom-
mend to this Committee that it rise, re-
port progress to the House, with its
recommendation to the House that no
further action be taken in this matter
by the House except to postpone further
consideration thereof indefinitely.

JOSEPH MCGILL.

ALFRED PETSCH.

COKE STEVENSON.

Attorneys for the House of Repre-
sentatives.

The Chairman: I recognize Judge
Keeling for a statement before putting
the motion.

Mr. Keeling: The statement I desire
to make is this: that the original, of

which this document was a carbon copy,
has been placed in the hands of the
Governor.

Mr. McGill: Mr. Chairman.

The Chairman: The gentleman from
El Paso, Mr. McGill.

Mr. McGill: Mr. Chairman and Gen-
tlemen and Ladies of the House, I feel
that since I am one of the signers of
the charges against Mr. Terrell I should
explain my attitude with regard to this
privileged motion. I joined in filing
these charges in good faith, with malice
toward none, hoping the facts would be
developed and brought to the people of
Texas, and that if the charges were
sustained impeachment charges would
be voted. But the resignation of the
Comptroller does away with the neces-
sity of filing impeachment charges and
removing him from office.

As stated in the resolution, the only
other purpose that could be accomplished
by a continuation of this investigation
and from the impeachment charges and
a trial in the Senate would be the en-
tering of a judgment disqualifying Mr.
Terrell from ever holding office within
the State of Texas. I feel that the
state of this record is such that I am
willing to leave that question to the
people of Texas, and not have the Sen-
ate pass upon it. I feel that

"The Moving Finger writes; and having
writ,

Moves on; nor all your piety nor wit
Shall lure it back to cancel half a line,
Nor all your tears wipe out a single
word of it."

I am satisfied to stand on the record.
I feel that the purpose for which these
charges was filed has been accomplished,
and I see no further necessity for con-
tinuing this investigation.

The Chairman: The question is on
the adoption of the motion. As many
members as favor the motion will vote
"aye"; opposed "no." Have all voted?
There being 111 "ayes" and no "noes,"
the motion prevails.

The House of Representatives will be
in order. As Chairman of the Commit-
tee of the Whole, I report to the House
of Representatives that the Committee
of the Whole adopted the following
privileged motion, which I will ask the
Clerk to read, which is the report of
the Committee.

The motion was thereupon read by
the Reading Clerk, as follows:

Privileged Motion.

Whereas, S. H. Terrell, State Comp-
troller, has filed with the Governor of

Texas his resignation from the office of State Comptroller of Public Accounts, effective immediately, and the Committee of the Whole has been so advised; and

Whereas, By virtue of said resignation one of the objects of this investigation has been accomplished, namely, the removal of Mr. Terrell from office; and

Whereas, By virtue of said fact a legal question arises as to whether or not the Legislature of Texas continues to have jurisdiction of this matter; and

Whereas, In the opinion of your attorneys, the facts have been brought to the attention of the people of Texas, and the record has been made, and a final action by the Legislature on this matter could not accomplish anything additional except the entering of a judgment disqualifying S. H. Terrell from holding office in Texas hereafter;

Therefore, we, your attorneys, recommend to this Committee that it rise, report progress to the House, with its recommendation to the House that no further action be taken in this matter by the House except to postpone further consideration thereof indefinitely.

JOSEPH MCGILL,
ALFRED PETSCH,
COKE STEVENSON,

Attorneys for the House of Representatives.

Mr. Johnson of Dimmit: Mr. Speaker.
The Speaker: The gentleman from Dimmit.

Mr. Johnson of Dimmit: I move the adoption of the report.

The question was thereupon taken, and the motion prevailed.

Mr. Johnson of Dimmit: Mr. Speaker.
The Speaker: The gentleman from Dimmit.

Mr. Johnson of Dimmit: I send up a resolution.

The Speaker: The gentleman from Dimmit sends up the following resolution. The Clerk will read the resolution.

The Reading Clerk thereupon read the resolution, as follows:

Whereas, In the hearing on the impeachment charges against S. H. Terrell, Comptroller of the State of Texas, the House of Representatives has been represented by Representatives Alfred Petsch, Joseph McGill and Coke Stevenson; and

Whereas, Their services have been ably and efficiently performed, reflecting credit upon this House and upon themselves, and saving the State all counsel expense; now, therefore, be it

Resolved by the House of Representatives, That we express our most sincere appreciation for their energetic, impartial and able services performed.

Signed—Johnson of Dimmit, Graves of Erath, Savage, Snelgrove, Holder, Giles, Sanders, Renfro, Loy, Veatch, Justiss, Williams of Sabine, Brice, Davis, Metcalfe, Jones, Rogers, DeWolfe, Mosely, Lee, Kennedy, Johnson of Smith, Johnson of Scurry, Van Zandt, Cox of Limestone, Bounds, Shelton, Barron, West. Albritton, Graves of Williamson, Williams of Travis, Coltrin, Lemens.

The State of Texas,
County of Travis.

We, H. D. Mahaffey, Henry L. Gazley and Hall Etter, hereby certify that the above and foregoing transcript, containing 626 pages of typewritten matter in question and answer form, constitutes and is all the testimony adduced, and constitutes all exhibits offered and introduced in evidence before the Committee of the Whole House in connection with the investigation of charges filed in the House against S. H. Terrell, Comptroller, together with all objections offered to the introduction of testimony and the rulings of the Presiding Judge thereon, and all proceedings in connection therewith.

Witness our hands at Austin, Texas, this February 25, A. D. 1930.

H. D. MAHAFFEY,
HALL ETTER,
HENRY L. GAZLEY,
Official Reporters.

In Memory
of
Charles Kramer

Mr. Williams of Travis offered the following resolution:

Whereas, Charles Kramer of Austin, Texas, was cut off in his youth on February 27, 1930; and

Whereas, Charles Kramer had efficiently served the House of Representatives for several years, beginning as a page, and at the time of his death was Assistant Mailing Clerk of the House, and had before him a bright prospect of worthwhile accomplishment and possessed attributes which marked him as one who would be active in the affairs of life, and attracted the admiration of those with whom he came in contact; therefore, be it

Resolved by the House of Representatives of the Forty-first Legislature, That we express our sincere sympathy to the family and friends of our deceased associate; that a page of the Journal be set aside to his memory, and when the House adjourns on this day it do so in his memory; and be it further

Resolved, That the Chief Clerk of this House be, and she is, requested to send an enrolled copy of this resolution to his parents.

Signed—Williams of Travis, Young, Pope of Jones, Mr. Speaker, Acker, Ackerman, Adkins, Albritton, Allred, Anderson, Avis, Baker, Baldwin, Barnett, Bateman, Beck, Bond, Bounds, Bradley, Brice, Brooks, Carpenter, Chastain, Coltrin, Conway, Cox of Lamar, Cox of Limestone, Davis, DeWolfe, Dunlap, Duvall, Enderby, Eickenroht, Farrar, Finn, Finlay, Forbes, Fuchs, Gates, Gilbert, Giles, Graves of Williamson, Graves of Erath, Hardy, Harding, Harman, Harper, Harrison, Heaton, Hefley, Hines, Hogg, Holder, Hopkins, Hornaday, Hubbard, Jenkins, Johnson of Dallam, Johnson of Dimmit, Johnson of Smith, Johnson of Scurry, Jones, Justiss, Kayton, Keeton, Keller, Kemble, Kennedy, Kenyon, Kincaid, King, Kinnear, Land, Lee, Lemens, Long of Houston, Long of Wichita, Loy, Magee, Mankin, Marks, Martin, Mauritz, Maynard, McCombs, McDonald, McGill, McKean, Mehl, Metcalfe, Minor, Montgomery, Mrs. Moore, Morse, Mosely, Mullally, Murphy, Mrs. Negley, Nicholson, Olsen, O'Neill, Palmer, Patterson, Pavlica, Petsch, Pool, Pope of Nueces, Prendergast, Purl, Quinn, Ray, Reader, Reid, Renfro, Richardson, Riley, Rogers, Rountree, Sanders, Savage, Shaver, Shelton, Sherrill, Simmons, Sinks, Snelgrove, Speck, Stephens, Stevenson, Storey, Tarwater, Thompson, Tillotson, Turner, Van Zandt, Veatch, Waddell, Wallace, Walters, Warwick, Webb, West, Westbrook, Wiggs, Williams of Sabine, Williams of Hardin, Woodruff.

The resolution was read second time.

On motion of Mr. Anderson, the names of all the members of the House were added to the resolution.

The resolution was then adopted by a rising vote.